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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,383	09/23/2003	Jong-Hyun Yoon	0630-1845P	1937
2292	7590	07/07/2009		
BIRCH STEWART KOLASCH & BIRCH			EXAMINER	
PO BOX 747			SCHNUERR, JOHN R	
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2421	
NOTIFICATION DATE		DELIVERY MODE		
07/07/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JONG-HYUN YOON

Application No. 10/667,383
Technology Center 2400

Mailed: July 7, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 15, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.03 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

The Examiner's Answer mailed November 25, 2008, is deficient because the "Evidence Relied Upon" section fails to include the reference, 1997 edition of the Microsoft Computer Dictionary, cited on page 12 in the "Response to Argument" section.

Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) issue a PTOL-90A citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) issue a corresponding PTO-892 citing the NPL reference;
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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